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DATE:

November 1, 2004

PTO IDENTIFIER:

Application Number 09/852070-Conf. #3533

Patent Number

Inventor:

Daniel K. HILTGEN et al.

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US Patent and Trademark Office

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Attorney Dkt. #:

SMQ-122

PAGES (Including Cover Sheet): \_\_\_ Twenty-four (24)

#### CONTENTS:

Transmittat (1 page);

Fee Transmittal (1 page, in duplicate);

Amendment in Response to Non-Final Office Action (15 pages);

Two (2) Terminal Disclaimers to Obviate a Provisional Double Patent Rejections

Over a Pending "Reference" Application for U.S. Patent Application Serial Nos. 09/852,113 and 09/851,923 (2 pages),

Statement Under 37 CFR 3 73(b) (1 page);

One-Month Request for Extension of Time Under 37 CFR 1 136(a) (1 page), and

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to response to a collection of information unless it displays a valid OMB control number Application Number 09/852070-Conf. #3533 Fiting Date TRANSMITTAL May 9, 2001 First Named Inventor **FORM** Daniel K. HILTGEN Art Unit 2122/P6281 (to be used for all correspondence after initial filing) Examiner Name M. J. Yigdall Attorney Docket Number **SMQ-122** Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication Drawing(s) Fee Transmittal Form to TC Appeal Communication to Board of Appeals and interferences Fee Attached Licensing-related Papers Appeal Communication to TC x Amendment/Reply (Appeal Nonce, Brief, Reply Brief) Petrion to Convert to a After Final Proprietary Information Provisional Application ower of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please Extension of Time Request Two (2) Terminal Disclaimers Identity below) Statement Under 37 CFR 3.73(b) Express Apandonment Request Request for Refund and Certificate of Transmission under 37 CFR 1.8. information Disclosure Statement CD, Number of CD(s) Centiled Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Reply to Missing Parts under 37 CFR 1 52 or 1 53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name COCKEIELD III P Signature Printed name Kevin J. Canning Date Reg No November 1, 2004 35,470 l hereby certify that this correspondence is being fecsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306 at Mail Stop Amendment, Commissioner for Patents, P.Q. Box 1450, Alexandria, VA 22313-1450, on the date shown below. Men Dated, November 1, 2004 Signature: (Kevin J Canning)

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Under the Paperwork Reduction Act of 1995, no person are required to respond to a soldaction of information unless it displays 6 valid OMB control humber Complete If Known FEE TRANSMITTAL 09/852070-Conf. #3533 Application Number May 9, 2001 Filing Date for FY 2005 Daniel K. HILTGEN First Named Inventor Effective 10/01/2004 Patient tipes are subject to annual revision M J Yigdall Examiner Name 2122 Applicant claims small entity status See 37 CFR 1 27 Art Unit SMQ-122/P6281 TOTAL AMOUNT OF PAYMENT Attorney Docket No. 330 00 (\$) FEE CALCULATION (continued) METHOD OF PAYMENT (check all that apply) 3. ADDITIONAL FEES Check x arge Entity Small Entity Серози Fou Code 12-0080 Fee Description (\$) Fee Paid (\$) Code Number Deposit 1051 130 2051 85 Surcharde - late titing fee of OSTA Lanive & Cockfield, LLP Surcharge - late provisional filing fee or cover 1052 50 2052 25 The Director is sumonized to (check as mat apply) X Credit any overpayments 1023 Non-English specification X Charge fea(s) indicated below 1055 130 130 2 520 For filing a respect for our parts resultaniation Charge any edditional fee(s) or any uniderplayment of tos(c) 1812 2 520 1812 Requesting purplication of SiR prior to Charge tests) indicated polow, except for the filling fee 1804 1804 to the apove-identified deposit account. Examiner action Requesting publication of SIR after Examiner action 1805 1805 1.840 110 00 FEE CALCULATION 1251 110 2251 55 Extension for rapiv within hist month 1252 430 2262 Exponsion for reply within second month 1. BASIC FILING FEE 1253 980 2253 480 Extension for eaply within third month Large Entity Small Enuty Fee Pala Fee Description (\$) 2254 1254 1 530 765 Extension for reply within tourth month Utility filing fee 1255 2,080 2255 1,040 Ежелают тог гергу within fitth month 1001 2001 395 790 170 Notice of Appeal 1401 340 2401 1002 350 2002 175 Design filing fee 275 1402 340 2402 170 Filing a phot in support of an appeal . 1003 550 2003 Plant tiling too 1403 300 2403 Request for oral nearing 395 Resource filing fee 2004 1004 790 1 510 Petition to institute a public use proceeding 1005 160 2005 80 Provisional tring tee 1451 1.510 1451 1452 110 2452 55 Pettion to revive - unavoigable SUBTOTAL (1) (\$) 0.00 585 Peution to levive - unintentional 1 370 2453 1453 1501 1,370 2501 685 Utility (Stud Fee (Ot 18:62040) 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1502 490 2502 245 Design issue fee Fee Page Clibert Delow 2503 Total Claims -20 1503 660 330 Prant Issue 166 Ingependent 1450 130 1450 130 Persons to the Commissioner 1807 50 1807 Processing ree under 37 CFR 1 1/(q) Maltiple Dependent 1508 1806 160 Submission of Information Disclosure Stmt Large Entity | Small Entity Fee Code Recording each patent assignment per F00 (¥) 802 t For Description 8021 40 40 property (umes number of properties) (5) Filing a submission after final rejection (\$7 CFR 3 129(a)) 1202 2202 Claims in expess of 20 18 1809 790 2809 395 1201 88 2201 ingependent claims in axcess of 3 44 For each Add,40nal in 1810 790 2810 395 1203 300 2203 examined (37CFR 1.129(b)) 150 Multiple dependent claim, if not paid 1801 2801 Request for Continued Examination (RCE) 1204 88 2204 Reissue independent chimis over original patent Request for expedited examination 1802 900 1802 800 2205 of a design application 1205 18 "Reissus claims in excess of 20 and over original patent Other toe (specify) 1814 Statutory Discisimer 220 00 SUBTOYAL (3) (5) SUBTOTAL (2) (\$) 0.00 Reduced by Basic Flang Fee Paig 330 00 "for number previously paid, if greater, For Reissues, see above (Complete (# applicable)) Registration No. мате (РппиТуре) Kevin J. Canning 35,470 Telephone (617) 227-7400 (Аполну/Ауып) guur November 1, 2004 t nereby certify that this correspondence is being tacismile transininted to the Patent and Trademark Office, facsimile no. (703) 872-9308 at MS Amendment, Commissioner for Patents, P.O. Box 1350, Alexandna, VA. 22313-1450, on the date shown below There (Kevin J Canning) Dated, November 1, 2004 Sanature

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